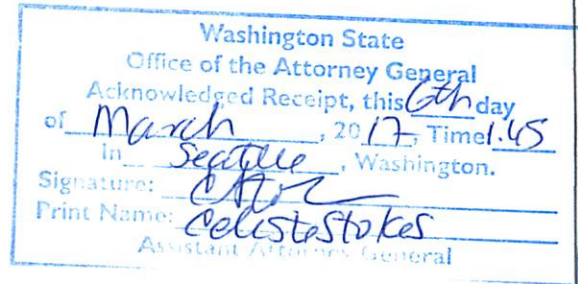


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CLERK
KING COUNTY COUNCIL



THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

HARVEY JOHNSON,

Plaintiff,

vs.

KING COUNTY; GORDON KARLSSON, in his official capacity as the Jail Commander of the King County Jail in Seattle and in his personal capacity; R. ALMANZA, in her/his personal capacity; D. MOLINA, in her/his personal capacity; CAMERON WALKER, in her/his personal capacity; T. WALKER, in her/his personal capacity; and JANE AND JOHN DOES 1-10, in her/his personal capacity,

Defendants.



NO. 17-2-05066-1 SEA

COMPLAINT FOR DAMAGES

Plaintiff Harvey Johnson, through his attorney Michael C. Kahrs of Kahrs Law Firm allege as follows:

I. INTRODUCTION

1. Nature of Case. This is a negligence state tort and civil rights action against administrators and staff of the King County (County) Department of Adult and Juvenile Detention (DAJD), for their deliberate indifference and systematic failures to protect Plaintiff, who was an individual known to them with having seizure problems from falling from a top bunk and severely injuring himself. While incarcerated, an inmate is a ward of the County and depends on the County and its agents identified in this complaint for their basic safety, protection, and welfare.

COMPLAINT FOR DAMAGES

EXHIBIT A

The County agents identified in this complaint failed to protect Plaintiff for whom they had created a special, custodial relationship and, instead, permitted an individual known to have medical problems to be placed in a top bunk where he could be injured. The injuries were caused by the deliberate indifference of individual agents of King County to Mr. Johnson's welfare and the failure of King County to properly train its employees and/or agents in how to care for inmates with known disabilities. King County's employees and agents also breached its duty to protect Mr. Johnson from foreseeable harm. Because of this breach, Mr. Johnson suffered severe personal injuries as a result of these actions.

II. PARTIES

2.1 Plaintiff Harvey Johnson. Harvey Johnson was a resident of King County, Washington. He is presently incarcerated at the Washington Department of Corrections. During the time in question, Mr. Johnson was housed at the King County Jail, 500 5th Ave., Seattle, WA.

2.2 Defendant King County and the Department of Adult and Juvenile Detention. King County is a municipal corporation organized under the laws of the State of Washington. King County operates the King County Jail. Defendant King County is responsible for all acts of its employees and/or agents who commit acts of negligence pursuant to respondeat superior.

2.3 Defendant Gordon Karlsson. Gordon Karlsson was the Jail Commander of the King County Jail located in Seattle, Washington. Defendant Karlsson was responsible for training staff on DAJD policies. Defendant Karlsson is responsible for all acts of his employees and/or agents who commit acts of negligence pursuant to respondeat superior.

2.4 Defendant R. Almanza. R. Almanza was a correctional officer employed by the DAJD who was on duty during March 6, 2014 at the King County Jail located in Seattle, Washington. Defendant Almanza is being sued in both his/her personal capacity. All acts of Defendant Almanza were under color of state law.

2.6 Defendant Cameron Walker. Cameron Walker was a correctional officer employed by the DAJD who was on duty during March 6, 2014 at the King County Jail located in Seattle, Washington. Defendant Almanza is being sued in his/her personal capacity. All acts of Defendant Almanza were under color of state law.

2.7 Defendant T. Walker. T. Walker was a correctional officer employed by the DAJD who was on duty during March 6, 2014 at the King County Jail located in Seattle, Washington. Defendant Walker is being sued in his/her personal and official capacities. All acts of Defendant Almanza were under color of state law.

2.8 Jane and John Does 1-10. Jane and John Does 1-10 are individuals who may be identified through discovery and who were at all relevant times individuals who violated the plaintiffs' civil rights by acting with deliberate indifference toward Plaintiffs while they were at the King County Jail located in Seattle, as further described in this complaint, during such individuals' supervision, of Mr. Johnson while he was incarcerated at the King County Jail in Seattle.

III. JURISDICTION AND VENUE

3.1 **Jurisdiction.** State courts have concurrent original jurisdiction for claims brought pursuant to 42 U.S.C. §1983 claims. They have original jurisdiction for state tort claims. This Court has personal and subject matter jurisdiction.

3.2 Venue. Venue is proper in this Court pursuant to RCW 4.12.020.

3.3 Case Assignment Area. The events at issue occurred in Seattle and this case is properly assigned to the Seattle case assignment area.

1 3.4 Tort Claim. Plaintiff filed a tort claim with King County in accordance with
2 RCW 4.96.020.

3 4 IV. FACTS

5 4.1 Plaintiff Harvey Johnson had previously been booked into the King County Jail
6 on September 6, 2013. In the Deferral Screening from this booking, notes were made that Mr.
7 Harvey had a seizure disorder and a stroke three months prior.

8 4.2 Mr. Johnson was arrested on a warrant from Pierce County and placed in the
9 King County Jail on March 6, 2014. He was booked at approximately at 1:46 p.m. At that time, an
10 initial medical screening was conducted by a correctional officer. Mr. Johnson informed the
11 officer that he had a history of a stroke and seizures, which was then noted on a screening form.

12 4.3 Mr. Johnson then had a more thorough screening by medical staff. At this time,
13 Mr. Johnson informed the nurse about his medical history including his history of a stroke and
14 seizures. On the Receiving Screening Form filled out subsequent to the initial showing, R.N. Lisa
15 Townsend ordered the following procedure for Mr. Harvey: "EQUIPMENT – NEEDS LOWER
16 BUNK: enhanced rsf intake assessment."

17 4.4 The classification system history in the jail records noted that Mr. Harvey had a
18 lower bunk restriction because of a seizure risk. This entry was due to the actions of R.N.
19 Townsend. He then completed his booking process and went back to the holding cell.

20 4.5 Mr. Johnson was then escorted to the tank and handed over to the floor officer.
21 On the floor, the escort officer handed a card with Mr. Johnson's personal information including
22 picture and badge number to the correctional officer in the control booth. Mr. Johnson had been
23 given a medical bunk slip for a lower bunk.

24 4.6 Mr. Johnson was then escorted to an open tank with bunk beds. He had been
25 given a 3 inch thick piece of foam meant to be placed on his bunk. All the lower bunks were
26 taken. He had placed the foam on the floor while he tried to place a phone call. At this time the

1 floor officer informed Mr. Johnson that the sleeping mat was blocking the pathway and he had to
2 place the foam mat on the upper bunk.

3 4.7 Mr. Johnson then informed the officer that he had a history of seizures and that
4 he was not supposed to be on the top bunk. When Mr. Johnson was in the jail in 2013, he had been
5 given a lower bunk.

6 4.8 The floor officer ignored Mr. Johnson's warning about the possibility of seizures
7 and ordered Mr. Johnson to get into the upper bank which was at least five feet off the floor. Mr.
8 Johnson was warned that if he did not get into the upper bunk, placed in administrate segregation.
9 Nor did the correctional officer authorize Mr. Johnson being transferred to another tank with an
10 open lower bunk or order a portable cot. Mr. Harvey is unsure who was the correctional officer
11 who placed him in the upper bunk was but on information and belief, he believes it was one of the
12 four named defendants sued in their personal capacity.

13 4.9 After trying to make phone calls, Mr. Johnson climbed up to the top bunk and lay
14 down and went to sleep.

15 4.10 At approximately 7:25 p.m., Mr. Johnson had a seizure which caused him to fall
16 from the top bunk to the floor. He lay there with blood and saliva coming out of his mouth in a
17 somewhat comatose state. A medical emergency was then called and Mr. Harvey was taken to
18 Harborview Medical Center (HMC).

19 4.11 At HMC, Mr. Johnson was treated for his injuries. He was diagnosed with a
20 closed fracture of C5-C7 spinal vertebra with unspecified spinal cord injury with a Brown-
21 Sequard syndrome. He also had frontal head fracture into his right orbital roof.

22 4.12 Mr. Johnson was hospitalized at HMC approximately 5 weeks. He had his C5-C7
23 vertebra fused with titanium pins installed. He has undergone extensive physical therapy because
24 of his permanent nerve damage resulting in problems with his left hand of his body. He will be in
25 constant pain the rest of his life.
26

1 4.13 All individual defendants were employed by King County and acted in the course
2 and scope of their employment and as officers under state law.

3 4.14 King County is liable for all state law torts alleged herein by its employees and/or
4 agents.

5 4.15 Defendant Karlsson as the Jail Commander of the King County Correctional
6 facility in Seattle, was responsible for training the employees at the King County Jail in Seattle.

7
8 **V. CAUSES OF ACTION**
9 **COUNT I**
10 **NEGLIGENCE**

11 5.1 Negligence. All Defendants had a duty to assign Plaintiff Johnson to a lower
12 bunk, as medically indicated, or, failing that, to assign Plaintiff to a mattress on the floor, in
13 compliance with King County's practices and procedures which allow for inmates to be
14 assigned to the floor for periods of time up to 72 hours. Breach of that duty proximately caused
injuries and damages to Plaintiff.

15 **COUNT II**
16 **VIOLATION OF CIVIL RIGHTS**
17 **(42 U.S.C. § 1983)**

18 5.2 Civil Rights Violation. Defendants Almanza, Molina, Cameron Walker and/or T.
19 Walker are liable to Plaintiff Johnson for damages for their deliberate indifference to his medical
20 needs pursuant to 42 U.S.C. § 1983.

21 5.3 Civil Rights Violation. The Defendants King County and Karlsson failure to
22 properly train its correctional officers in how to house individuals with medical disabilities and/or
23 the necessity of either complying with directives from medical staff or assigning inmates to a
24 mattress on the floor in cases where the inmate is assigned to a lower bunk, and are liable for that
25 failure to properly train.

26 5.4 The Defendants, Karlsson, and King County, owed a duty to Plaintiff Johnson
based on his medical history and status and breached that duty of care owed by a correctional

1 officer and facility to the inmates in its care breached that standard of care which resulted in
2 Plaintiff Johnson suffering damages proximately caused by this negligence.

3 4 VI. RESERVATION OF RIGHTS

5 6.1 Reservation of Rights. Plaintiff Johnson reserves the right to assert additional
6 claims as may be appropriate following further investigation and discovery.

7 VII. PRAYER FOR RELIEF

8 Plaintiff respectfully requests the following relief:

9 7.1 That the Court award Plaintiff appropriate relief, to include all special and
10 general damages established at trial;

11 7.2 That the Court impose punitive damages under any provision of law under which
12 punitive damages may be imposed;

13 7.3 That the Court award costs, reasonable attorneys' fees, and statutory interest
14 under any applicable law or ground in equity, including 42 U.S.C. § 1988 and all other applicable
15 bases for an award of attorneys' fees and litigation costs;

16 7.4 That the Court award pre-judgment interest on items of special damages;

17 7.5 That the Court award Plaintiff such other, favorable relief as may be available
18 and appropriate under law or at equity; and

19 7.6 That the Court enter such other and further relief as the Court may deem just and
20 proper.

21 SIGNED this 3rd day of March, 2017.

22
23 By: 

24 Michael Kahrs, WSBA 27085
25 Attorney for Plaintiff
26